

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 02-CR-10301-NG
	)	
DARRYL GREEN,	)	
a/k/a "D"	)	
BRANDEN MORRIS,	)	
a/k/a "B"	)	
JONATHAN HART,	)	
a/k/a "Jizz," and	)	
EDWARD WASHINGTON,	)	
a/k/a "Eddie,"	)	
Defendants	)	

**NOTICE OF APPEAL**

Notice is hereby given that the United States of America (the prosecution in the above-captioned case) hereby appeals to the United States Court of Appeals for the First Circuit from the district court's (Gertner, J.) June 2, 2005 Memorandum and Order Re: Motions to Strike Notice of Intent to Seek the Death Penalty and Order (docket entries 340 and 341, entered on the docket on June 2, 2005) and June 6, 2005 Amended Memorandum and Order: Re Motions to Strike Notice of Intent to Seek the Death Penalty and Amended Order (docket entries 343 and 344, entered on the docket on June 6 2005), which orders granted in part the motions of defendant Darryl Green and

Branden Morris to strike portions of the government's Notice of Intent to Seek the Death Penalty and excluded certain evidence from the defendants' capital trials.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Theodore B. Heinrich  
THEODORE B. HEINRICH  
Assistant U.S. Attorney

**Certificate of Service**

I, Theodore B. Heinrich, AUSA, hereby certify that I have caused a copy of this notice to be served by e-filing and by first-class mail on the following defense attorneys: (1) David P. Hoose, Esq., Katz, Sasson, Hoose & Turnbull, Suite 304, 1145 Main Street, Springfield, MA 01103; (2) Wayne R. Murphy, Esq. Murphy & Flaherty, 43 Bowdoin Street 1A, Boston, MA 02114; (3) Randolph M. Gioia, Esq., 24 School St., 8th Floor, Boston, MA 02108; (4) Sarah Jennings Hunt, Esq., 675 Massachusetts Ave., Suite 900, Cambridge, MA 02139; (5) William C. Brennan, Jr., Esq., Brennan, Trainor, Billman & Bennett, LLP, 5407 Water St., Suite 105, Upper Marlboro, MD 20772; (6) George F. Gormley, P.C., 655 Summer St., Boston, MA 02210; (7) John H. Cunha, Jr., Esq. Cunha & Holcomb, PC, Suite 500, One State Street, Boston, MA 02109-3507; (8) Max D. Stern, Esq., and Patricia Garin, Esq. Stern, Shapiro, Weissberg & Garin, Suite 500, 90 Canal Street, Boston, MA 02114-2022; on June 28, 2005.

/s/ Theodore B. Heinrich  
Theodore B. Heinrich